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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 ANGEL ALVARADO,

12 Petitioner,

13 vs.

14 MICHAEL B. MUKASEY,

Respondent.

CASE NO. 08CV0851 DMS (CAB)

**ORDER DENYING PETITION
FOR WRIT OF HABEAS CORPUS**

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16 Petitioner has filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241.
17 Department of Homeland Security (DHS) has removed Petitioner from the United States to Mexico.
18 Because Petitioner is no longer in DHS custody, the “custody” prerequisite of habeas jurisdiction no
19 longer exists. *See* 29 USC § 2241; *Miranda v. Reno*, 238 F.3d 1156 (9th Cr. 2001).

20 Therefore, the Petition is denied as moot. The clerk shall terminate this case.

21 **IT IS SO ORDERED.**

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23 DATED: September 2, 2008

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25 HON. DANA M. SABRAW
26 United States District Judge
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